

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS, INC.,

Plaintiff,

-against-

VILLAGE OF DOBBS FERRY, New York,

Defendant.

No. 07 Civ. 3809 (CLB)

ANSWER

Jury Trial Demanded

Defendant the VILLAGE OF DOBBS FERRY, New York (the “Village”) by and through its attorneys, Thacher Proffitt & Wood LLP, as and for its Answer with Affirmative Defenses to the Complaint , respectfully alleges as follows:

NATURE OF ACTION

1. Admits the truth of the allegation set forth in paragraph 1 of the Complaint that this action is being brought for compensatory damages and declaratory and injunctive relief and denies the truth of the remaining allegations set forth in paragraph 1 of the Complaint.

JURISDICTION

2. The allegations set forth in paragraph 2 of the Complaint state legal conclusions as to which no responsive pleading is required and respectfully refers all questions of law to the Court.

THE PARTIES AND THE MATERIAL FACTS

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint.

4. Admits the truth of the allegation set forth in paragraph 4 of the Complaint that the Village is a municipal corporation and respectfully refers the Court to the relevant sections of the Village Code for their full scope and content.

AS AND FOR A FIRST CLAIM

5. In response to the allegations contained in paragraph 5 of the Complaint, the Village repeats and re-alleges its responses set forth in paragraphs 1 through 4.

6. Denies the truth of the allegations set forth in paragraph 6 of the Complaint.

AS AND FOR A SECOND CLAIM

7. In response to the allegations contained in paragraph 7 of the Complaint, the Village repeats and re-alleges its responses set forth in paragraphs 1 through 6.

8. Denies the truth of the allegations set forth in paragraph 8 of the Complaint.

AS AND FOR A THIRD CLAIM

9. In response to the allegations contained in paragraph 9 of the Complaint, the Village repeats and re-alleges its responses set forth in paragraphs 1 through 8.

10. Denies the truth of the allegations set forth in paragraph 10 of the Complaint.

11. There is no paragraph 11 of the Complaint.

12. There is no paragraph 12 of the Complaint.

AS AND FOR A FOURTH CLAIM

13. In response to the allegations contained in paragraph 13 of the Complaint, the Village repeats and re-alleges its responses set forth in paragraphs 1 through 12.

14. Denies the truth of the allegations set forth in paragraph 14 of the Complaint.

AS AND FOR A FIFTH CLAIM

15. In response to the allegations contained in paragraph 15 of the Complaint, the Village repeats and re-alleges its responses set forth in paragraphs 1 through 14.

16. Denies the truth of the allegations set forth in paragraph 16 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

17. The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

18. The Defendant is entitled to qualified and/or absolute immunity.

THIRD AFFIRMATIVE DEFENSE

19. Plaintiff has failed to assert any injury.

FOURTH AFFIRMATIVE DEFENSE

20. The applicable statutes of limitations bar this action.

FIFTH AFFIRMATIVE DEFENSE

21. This action is barred by the doctrines of waiver, estoppel, and laches.

WHEREFORE, Defendant Village of Dobbs Ferry respectfully requests that the Court enter an order and judgment (a) dismissing the Complaint in its entirety; and (b) granting Defendant the attorneys' fees, costs and disbursements of this action, together with any other and further relief as the Court deems just and proper.

Dated: White Plains, New York
June 11, 2007

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